

AN ORDINANCE

BY: 

AN ORDINANCE TO AMEND SUBSECTION (3), SECTION 17-134 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA ENTITLED "SPECIFIC PROHIBITIONS" BY REPEALING SAID SUBSECTION IN ITS ENTIRETY FOR PURPOSES OF AN EFFECTIVE MEANS OF REGULATING AND CONTROLLING SOUND AND NOISE WITHIN THE CITY OF ATLANTA TO THE ENDS THAT THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC ARE PROMOTED AND MAINTAINED THROUGH PEACE AND GOOD ORDER; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith, AND FOR OTHER PURPOSES.

WHEREAS, Section 74-134 (3) of the Code of Ordinances of the City of Atlanta, GA entitled "specific prohibitions"- prohibits the use or operation of any loudspeaker system, sound amplifier or other device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays, within or adjacent to residential or noise sensitive areas, public rights-of-way or public space such that the sound therefrom is plainly audible across the real property line of the source; provided that this shall not apply to any public performance, gathering or parade for which a permit has been obtained from the city, nor shall it apply to performances at the Chastain Park Amphitheater or at any amphitheater constructed upon the Lakewood Fairgrounds whenever the same is governed by another ordinance or by contract as to acceptable levels of sound and as to hours; and

WHEREAS, excessive sound and vibration and inadequately controlled noise are serious hazards to the public health, safety, and welfare, and a source of annoyance to the public; and

WHEREAS, it is the policy of the City of Atlanta to protect the health, safety, and welfare of its citizens and to promote an environment free from sound and noise disruptive of peace and good order.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: Subsection (3) of Section 74-134 of the City Code is hereby repealed in its entirety with the following being substituted in lieu thereof:

"The use or operation of any loudspeaker system, sound amplifier or other device is prohibited within or adjacent to residential or noise-sensitive areas, public rights-of-way or public space such that the sound therefrom is plainly audible across the real property line of the source; provided that this shall not apply to any public performance, gathering or parade for which a permit has been

obtained from the city, nor shall it apply to performances at the Chastain Park Amphitheater or at any amphitheater constructed upon the Lakewood Fairgrounds whenever the same is governed by another ordinance or by contract as to acceptable levels of sound and as to hours.”

Section 2:

All ordinances or parts of ordinances in conflict herewith are hereby repealed.